

December 19, 2013

Via FOIA Online

National Freedom of Information Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2822T)  
Washington, DC 20460

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and corresponding U.S. Environmental Protection Agency (EPA) regulations, 40 C.F.R. §§ 2.108 – 2.406, the Environmental Working Group requests copies of all records<sup>1</sup> located within the EPA related to the Trans-Pacific Partnership Agreement (also known as the Trans-Pacific Trade Agreement) (collectively, “TPP”) and any of the following issues:

- a. hydraulic fracturing (“fracking”);
- b. shale gas and/or shale oil;
- c. pricing or tariff agreements concerning natural gas, liquefied natural gas or coal exports;
- d. the Toxic Substances Control Act;
- e. the Chemical Safety Improvement Act (S. 1009); or
- f. lawsuits for compensation for loss of “expected future profits” from health, labor or environmental laws.

The request seeks all responsive documents and is not limited to a specific timeframe. EWG requests that EPA produce all responsive documents created prior to the date of this request, as well as the time period from the date of this request to the date EPA produces documents responsive to this request, to the maximum extent feasible and to the extent permitted by law.

EWG asks EPA to waive processing or copying fees related to this FOIA request in accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and 40 C.F.R. 2.107. Granting a fee waiver is in the public interest because this request will help the public understand the content of the TPP and its potential effect on U.S. laws, including laws related to the environment and public health. EWG is a 501(c)(3) non-profit organization and its interest in the requested documents is purely non-commercial. In addition, as an environmental advocacy and scientific organization that disseminates research and news to the public, EWG is entitled to reduction of fees under FOIA. 5 U.S.C. § 552(a)(4)(A)(ii)(II); *see also* 40 C.F.R. § 2.107(c)(2)(i)(A).

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<sup>1</sup> For purposes of this FOIA request, “records” means information of any kind, including writings, memoranda, e-mails, text messages, letters, notes, meeting requests, calendar entries, meeting minutes, documents, drawings, graphs, charts, photographs, electronic and magnetic meeting recordings, records of telephone conversations, including cell phone records, and any other compilation of data from which information can be obtained.

Please provide the records requested above irrespective of the status and outcome of your evaluation of EWG's fee category status and fee waiver request. To prevent delay in EPA's provision of the requested records, EWG will, if necessary and under protest, pay fees in accordance with EPA's FOIA regulations at 40 C.F.R. § 2.107 for all or a portion of the requested records. Please consult with EWG, however, before undertaking any action that would cause the fee to exceed \$100. Such payment will not constitute any waiver of EWG's right to seek administrative or judicial review of any denial of its fee waiver request and/or rejection of its fee category assertions.

EWG requests expedited processing pursuant to 40 C.F.R. § 2.104(e)(1)(ii). A central focus of EWG's mission is to disseminate information – including information about the federal government's policies on toxic substances, energy, and natural resources – to the public. It is urgent that EWG obtain the requested documents as soon as possible to inform public debate because the countries negotiating the TPP issued a statement on December 10, 2013 stating that their objective is to finalize the TPP in the coming weeks.<sup>2</sup>

If you determine that portions of the records requested are exempt from disclosure, please segregate the exempt portions and release the remaining records as soon as possible. For any records or portions of records that you determine to be exempt, please provide a specific description of the record or portion of the record exempted along with a particularized description of the exemption.

EWG can accept documents responsive to this request in a number of formats, including compressed data files transferred to us through the Internet File Transfer Protocol (ftp) or on CD-ROM or DVD. Please contact me when the documents are ready for delivery.

Thank you for your consideration. If you have any questions, please do not hesitate to call me at (202) 667-6982.

Sincerely,



Briana Dema  
Staff Attorney  
Environmental Working Group

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<sup>2</sup> See <http://www.ustr.gov/about-us/press-office/press-releases/2013/December/TPP-Ministers-Statement>.